

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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RICHARD JOHNSTON, III,

Plaintiff,

v.

Case No. 07-C-681

RICHARD HEIDORN, et al.,

Defendants.

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**ORDER**

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Plaintiff moves for reconsideration of the order requiring payment of an initial partial filing fee of \$67.51. He states that he does not have sufficient funds in his regular account to cover that fee, but notes that his release account does. Though the remainder of the filing fee cannot be paid out of the inmate's release account, that account may be accessed to pay the *initial* partial filing fee. *See, e.g., Schultz v. Wallace*, No. 05-C-751-C, 2006 WL 42095, \*1 (W.D. Wis. 2006); *Carter v. Bennett*, 399 F. Supp.2d 936, 937 (W.D. Wis. 2005). Accordingly, the motion for reconsideration is **DENIED**, but the prisoner may access his release account to the extent necessary. Before prison officials take any portion of the amount due from petitioner's release account, they may first take whatever is available from petitioner's regular account. Plaintiff is to forward the initial partial filing fee of \$67.51 to the clerk of this court within 21 days.

**SO ORDERED** this 17th day of August, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge